

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 26, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa J. Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

LAMM Having been appointed to read the minutes of the City Council proceedings of September 19, 2016, reported having done so, found same correct.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

APPLICATION OF BDF, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 350 FEET BY 350 FEET AT 605 NORTH 8TH STREET ON OCTOBER 8, 2016 FROM NOON TO 11:00 P.M. (9/19/16 - PUBLIC HEARING & ACTION CONT'D TO 9/26/16) - Kevin Reynolds, 2515 Washington Street, applicant, came forward and requested approval. This matter was taken under advisement.

APPLICATION OF WHITE ELM BREWING COMPANY LLC DBA WHITE ELM BREWING COMPANY FOR A CLASS C & CLASS ~~HK~~ L LIQUOR LICENSE AT 2717 SOUTH 8TH STREET, SUITE 100; MANAGER APPLICATION OF KOLBY A. WOOD FOR WHITE ELM BREWING COMPANY LLC DBA WHITE ELM BREWING COMPANY AT 2717 SOUTH 8TH STREET, SUITE 100 - Kolby Wood, 2627 Van Dorn Street, applicant, came forward to take the oath and requested approval. This matter was taken under advisement.

APPLICATION OF CODE BEER CO., LLC DBA CODE BEER CO. FOR CLASS I & CLASS LK LIQUOR LICENSES AT 200 SOUTH ANTELOPE VALLEY PARKWAY; MANAGER APPLICATION OF ADAM J. HOLMBERG FOR CODE BEER CO., LLC DBA CODE BEER CO. AT 200 SOUTH ANTELOPE VALLEY PARKWAY - Adam Holmberg, 25455 S. 54th Street, applicant, came forward to take the oath and requested approval. Carl Eskridge, Council Member, asked if there would be food served. Mr. Holmberg shared that initially they will look into providing free light food, but nothing more than that. There is space for a kitchen, but they would be seeking a partnership to run that part of the business. This matter was taken under advisement.

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 75 FEET BY 60 FEET AT 1400 O STREET ON OCTOBER 6, 7, & 8, 2016 FROM NOON TO 2:00 A.M. - Scott Hatfield, 1412 O Street, applicant, came forward and requested approval. Discussion followed. This matter was taken under advisement.

APPLICATION OF KURT KONTOR DBA 501 BAR & GRILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 73 FEET BY 120 FEET AT 501 WEST A STREET ON OCTOBER 7, 2016 FROM 5:00 P.M. TO 2:00 A.M. AND OCTOBER 8, 2016 FROM 8:00 A.M. TO 2:00 A.M. - Kurt Kontor, 501 W. A Street, applicant, came forward and requested approval. This matter was taken under advisement.

APPLICATION OF PIEDMONT HOSPITALITY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 150 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON OCTOBER 8, 2016 FROM 5:00 P.M. TO MIDNIGHT - Brian Wallingford, 2230 N. 60th Street, Event Coordinator, came forward and requested approval. Discussion followed. This matter was taken under advisement.

APPLICATION OF LANCASTER AG SOCIETY/LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 550 FEET BY 50 FEET AT MUHLBACH MOTORSPORTS COMPLEX BLEACHER AREA AT 4100 NORTH 84TH STREET ON OCTOBER 8, 2016 FROM NOON TO MIDNIGHT - Lois Hartzell, 1431 N. 95th Street, applicant, came forward and requested approval. Discussion followed. This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO INCLUDE THE CITY'S IMPROVEMENTS OF 27TH STREET AT THE INTERSTATE 80 INTERCHANGE BETWEEN THE ON AND OFF RAMPS WITH THEIR PROJECT NO. IM-80-9(74) - CN 13111 - Roger Figard, Public Works, came forward and stated the Nebraska Department of Roads will be replacing concrete on the on and off ramps of I-80 at N. 27th Street, as well as repairing the bridge. In that area, 27th Street is the responsibility of the City, and the concrete in that area is in poor condition and needs to be replaced. This agreement will allow the State to remove and replace the concrete on 27th Street as they are already working on their project. The two projects will be coordinated and done at one time. The State will perform the work, and the City will then reimburse for the work being done. Nebraska Department of Roads will bid the project and, hopefully, construction will start Spring or Summer of 2017.

Carl Eskridge, Council Member, asked for clarification on design changes.

Mr. Figard confirmed there are no design changes just pavement repair and pavement restoration.

Leirion Gaylor Baird, Council Chair, asked if there were cost savings for the City when agreements are entered into with Nebraska Department of Roads.

Mr. Figard shared that anytime a project is bid with more quantity there is the potential of lower bid prices and coordination. This allows the work to be done at one time. There is not an exact amount of savings, but for efficiency and less inconvenience for the public and saving dollars, it is always better to bid as one project. Lincoln can use their share of federal aid money on their share of the project and reduces bureaucracy and some of the environmental issues and the money can be used on a project where the federal requirements are met.

This matter was taken under advisement.

A RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES' DAY IN THE CITY OF LINCOLN AND ENCOURAGING OTHER INSTITUTIONS TO RECOGNIZE THE DAY - Carl Eskridge, Council Member, asked Lin Quenzer from the Mayor's Office to come forward and introduce this Resolution.

Lin Quenzer, came forward and shared she is speaking as the Pastor of her church, Sacred Winds, it is a Native American Congregation, 2400 S. 11th Street. Her background is tied to the Native American people and their traditions. This resolution will declare the second Monday in October as Indigenous Peoples' Day. Members from the Indian Center previously came in front of Council with the request that Lincoln would join other cities in designating this day. This day is also the designation of Columbus Day and is not a City holiday. This resolution does not replace Columbus Day, but will enhance the day. Indigenous Peoples' Day is a positive day to recognize the culture, history, and contributions of Native Americans. Columbus Day and Indigenous Peoples' Day are linked because the arrival of Christopher Columbus had a profound impact on all of the first peoples in America. Indigenous Peoples' Day is a way to celebrate the people who were here first.

Jon Camp, Council Member, asked if there were other days in the year that might be more appropriate to celebrate Indigenous People and Native Americans.

Ms. Quenzer stated she does not feel there is a more appropriate day to celebrate this day. There are a number of holiday and celebrations throughout the year, but this one particular holiday was created and tied to the discovery by Christopher Columbus and that also resulted in the subjection of Native People, and this day would be the day to celebrate.

Mr. Camp inquired about the subjection and why celebrate on a day that has a more celebratory meaning.

Ms. Quenzer said this day marks the moment in time when a lot of things changed. However, there are a number of contributions made by Native Americans that enhanced the accomplishments of the coming to Americas. There is a lot of history regarding this day, and it is important to work together to understand how much we depend on one another for those things, and for this purpose, this is the day to celebrate this.

Roy Christensen, Council Member, stated he has received communication from other members of the community who express concern that the selection of this date was intended to be a repudiation of Columbus Day.

Ms. Quenzer stated that is not the case. This request is to honor everyone's heritage and everyone's contribution. Adding Indigenous Peoples' Day helps to give some equal time to the other half of the equation.

Cyndi Lamm, Council Member, stated since this is not made to replace Columbus Day, but to enhance Columbus Day, would they be open to having Indigenous Peoples' Day designated as Columbus and Indigenous Peoples' Day.

Ms. Quenzer stated since the City does not officially celebrate Columbus Day, only the State celebrates it, it would appear to be fitting for the City of Lincoln, as the capital of Nebraska, to celebrate just Indigenous Peoples' Day. It still would not be a holiday per the Lincoln Municipal Code, but just to designate this day as Indigenous Peoples' Day in the City.

Deb Andrews, 1235 A Street, came forward in support.

Dale Guterez, 610 N. 47th Street, came forward in support.

Marcel Kills Enemy, 7620 Bayberry Street, came forward in support.

Chandra Walker, 5123 W. Kingsley, came forward in support.

Mr. Camp asked if this day brings out negativity, why would they want it to be a day to celebrate.

Ms. Walker stated this is the history of Native Americans and if another day is picked then Columbus Day is still celebrated and the negative day will still be celebrated. This date is picked to celebrate Indigenous Peoples' Day to show Natives are still here and still trying to keep their culture alive.

Leo Yankton, 937 A Street, came forward in support.

Ms. Lamm, asked if there was any celebration in the Native American Community that was around the May 12th date and the celebration of Standing Bear.

Mr. Yankton clarified there are days that different tribes celebrate and different Standing Bear memorials that happen. Standing Bear is acknowledged and very influential in the Native American Community.

Ms. Lamm asked if there are celebrations that surround May 12th.

Mr. Yankton stated there are celebrations, but it is more specific towards different tribes. Indigenous Peoples' Day would celebrate everyone and all the tribes.

Professor Lory Dance, University of Nebraska - Department of Sociology and Ethnic Studies, 7415 Tiffany Road, came forward in support.

Myron Long Soldier, 3737 B Street, came forward in support.

Greg Keller, 5331 Starling Court, came forward in support.

Phyllis Stone, 832 S. 47th Street, came forward in support.

Frank Bear Killer, 5201 W. Craw, came forward in support.

Mr. Camp stated he felt this resolution was not about adding Indigenous Peoples' Day but more so an anti-Columbus Day and asked if there were a better and more fitting date to celebrate this day.

Mr. Bear Killer stated that is a thought, and there are a lot of Chiefs that can be honored, and a lot of individuals that can be recognized. Columbus Day is not really celebrated, State workers continue to work, City workers continue to work, and school continues. So if Columbus Day is not really honored, the Natives feel it is appropriate to have that day. It is the hopes to have this date celebrated not only in Lincoln, but across the Country.

Clyde Kyndall, 406 S. 5th Street, Seward, came forward in support.

Stephanie Matejka, 329 N. 35th Street, came forward in support.

Isaac Kolb, 3636 N. 52nd, came forward in support.

Bernard Vance Jr., 1530 N. 28th Street, came forward in support.

Pastor Janet Goodman Banks, 1908 S. 45th Street, came forward in support.

Dakota Lieb, 112 S. 36th Street, Omaha, came forward in support.

Alex Houchin, 1837 Jefferson, came forward in support.

Grey Castro, 1403 E Street, came forward in support.

Joseph Rousseau, 7532 Ringneck Drive, came forward in support.

Kateri Petto, 1204 S. 51st Street, Omaha, came forward in support.

Michael Wolfe Sr., 311 Dale Drive, came forward in support.

Anita Zakrzewski, 1230 Irish Pointe Place, came forward in support.

Charlotte Knoflicek, 1009 S. 48th Street, came forward in support.

Grant Shangreaux, 1424 F Street, came forward in support.

Thomas Christie, 7221 S. 42nd Street, came forward.

Marty Ramirez, no address given, came forward in support.

William Boothe III, 2815 Jane Lane, came forward in opposition.

**** Council Member Fellers left Council Chambers at 7:25 p.m.****

**** Council Member Fellers returned to Council Chambers at 7:26 p.m.****

Ms. Quenzer came forward and stated she felt it was clear based off previous testimony that people wanted this day on the second Monday in October. The idea that another day needs to be found to celebrate or celebrate on the day of Standing Bear diminishes what Standing Bear did and the celebration of him.

This matter was taken under advisement.

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE WITH TAX-QUALIFIED PLAN LANGUAGE TO OBTAIN A NEW FAVORABLE LETTER OF DETERMINATION FROM THE INTERNAL REVENUE SERVICE - Doug McDaniel, Director of Human Resources, came forward and stated this plan is updated every 4 years with IRS codes to preserve the tax exempt status. Human Resources has received a favorable letter from the IRS pending the adoption of the amendments to the code. The amendments are not really significant in nature. One amendment deals with rollovers, the second amendment deals with investments through a certain type of trust. These amendments have been reviewed by Legal Council.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING JACK COOGAN, PHILLIP NALLEY, AND RACHEL WARMAN TO THE AIR POLLUTION ADVISORY BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2019 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-89995

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Jack Coogan, Phillip Nalley, and Rachel Warman to the Air Pollution Advisory Board, for terms expiring September 1, 2019, are hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LIQUOR RESOLUTIONS

APPLICATION OF BDF, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 350 FEET BY 350 FEET AT 605 NORTH 8TH STREET ON OCTOBER 8, 2016 FROM NOON TO 11:00 P.M. (9/19/16 - PUBLIC HEARING & ACTION CONT'D TO 9/26/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89996 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of BDF, LLC for a special designated license to cover an outdoor area measuring approximately 350 feet by 350 feet at 605 North 8th Street, Lincoln, Nebraska, on October 8, 2016, between the hours of noon and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF WHITE ELM BREWING COMPANY LLC DBA WHITE ELM BREWING COMPANY FOR A CLASS C & CLASS ~~H&L~~ LIQUOR LICENSE AT 2717 SOUTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89997 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of White Elm Brewing Company, LLC dba White Elm Brewing Company for Class "C" and Class "L" liquor licenses at 2717 South 8th Street, Suite 100, Lincoln, Nebraska, for the license period ending October 31, 2016, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF KOLBY A. WOOD FOR WHITE ELM BREWING COMPANY LLC DBA WHITE ELM BREWING COMPANY AT 2717 SOUTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89998 WHEREAS, White Elm Brewing Company, LLC dba White Elm Brewing Company located at 2717 South 8th Street, Suite 100, Lincoln, Nebraska has been approved for Retail Class "C" and Class "L" liquor licenses, and now requests that Kolby A. Wood be named manager;

WHEREAS, Kolby A. Wood appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Kolby A. Wood be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF CODE BEER CO., LLC DBA CODE BEER CO. FOR CLASS I & CLASS LK LIQUOR LICENSES AT 200 SOUTH ANTELOPE VALLEY PARKWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89999 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Code Beer Co., LLC dba Code Beer Co. for Class "I" and Class "LK" liquor licenses at 200 South Antelope Valley Parkway, Lincoln, Nebraska, for the license period ending October 31, 2016, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF ADAM J. HOLMBERG FOR CODE BEER CO., LLC DBA CODE BEER CO. AT 200 SOUTH ANTELOPE VALLEY PARKWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90000 WHEREAS, Code Beer Co., LLC dba Code Beer Co. located at 200 South Antelope Valley Parkway, Lincoln, Nebraska has been approved for Retail Class "I" and Class "LK" liquor licenses, and now requests that Adam J. Holmberg be named manager;

WHEREAS, Adam J. Holmberg appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Adam J. Holmberg be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 75 FEET BY 60 FEET AT 1400 O STREET ON OCTOBER 6, 7, & 8, 2016 FROM NOON TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90001 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Rhinodynamics, Inc. dba Duffy's Tavern for a special designated license to cover an outdoor area measuring approximately 75 feet by 60 feet at 1400 O Street, Lincoln, Nebraska, on October 6, 7, & 8, 2016, between the hours of noon and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.

2. Adequate security shall be provided for the event.

3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF KURT KONTOR DBA 501 BAR & GRILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 73 FEET BY 120 FEET AT 501 WEST A STREET ON OCTOBER 7, 2016 FROM 5:00 P.M. TO 2:00 A.M. AND OCTOBER 8, 2016 FROM 8:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90002 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Kurt Kontor dba 501 Bar & Grill for a special designated license to cover an outdoor area

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measuring approximately 73 feet by 120 feet at Village Square 501 Bar & Grill at 501 West A Street, Lincoln, Nebraska, on October 7, 2016, between the hours of 5:00 p.m. and 2:00 a.m. and October 8, 2016, between the hours of 8:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF PIEDMONT HOSPITALITY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 150 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON OCTOBER 8, 2016 FROM 5:00 P.M. TO MIDNIGHT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90003 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Piedmont Hospitality for a special designated license to cover an outdoor area measuring approximately 100 feet by 150 feet at The Shoppes at Piedmont at 1265 South Cotner Boulevard, Lincoln, Nebraska, on October 8, 2016, between the hours of 5:00 p.m. and midnight, be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF LANCASTER AG SOCIETY/LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 550 FEET BY 50 FEET AT MUHLBACH MOTORSPORTS COMPLEX BLEACHER AREA AT 4100 NORTH 84TH STREET ON OCTOBER 8, 2016 FROM NOON TO MIDNIGHT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90004 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lancaster Ag Society/Lancaster Event Center for a special designated license to cover an outdoor area measuring approximately 550 feet by 50 feet at Muhlbach Motorsports Complex Bleacher Area at 4100 North 84th Street, Lincoln, Nebraska, on October 8, 2016, between the hours of noon and midnight, be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO INCLUDE THE CITY'S IMPROVEMENTS OF 27TH STREET AT THE INTERSTATE 80 INTERCHANGE BETWEEN THE ON AND OFF RAMPS WITH THEIR PROJECT NO. IM-80-9(74) - CN 13111 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90005 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Municipality Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads (NDOR) to allow the State of Nebraska to include the City's improvements of 27th Street at the Interstate 80 Interchange between the On and Off ramps with their project No. IM-80-9(74) - Control No. 13111, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department for transmittal and execution by the State Department of Roads.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

A RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES' DAY IN THE CITY OF LINCOLN AND ENCOURAGING OTHER INSTITUTIONS TO RECOGNIZE THE DAY - PRIOR to reading:

ESKRIDGE Moved to accept a Substitute Resolution.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following substitute resolution, introduced by Carl Eskridge, who moved its adoption:

A-90006 A RESOLUTION relating to Indigenous Peoples' Day; declaring the second Monday in October as Indigenous Peoples' Day in the City of Lincoln; encouraging other institutions to recognize the Day; and reaffirming the City's commitment to promote the well-being and growth of Lincoln's American Indian and Indigenous community.

WHEREAS, the City of Lincoln recognizes that the Indigenous Peoples of the lands that would later become known as the Americas have occupied these lands since time immemorial; and

WHEREAS, the City recognizes the fact that Lincoln is built upon the homelands and villages of the Indigenous Peoples of this region, without whom the building of the City would not have been possible; and

WHEREAS, the City values the many contributions made to our community through Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts, and deep cultural contribution that has substantially shaped the character of the City of Lincoln; and

WHEREAS, the City of Lincoln opposes the systemic racism towards Indigenous people in the United States, which perpetuates high rates of poverty and income inequality, exacerbating disproportionate health, education, and social crises; and

WHEREAS the City promotes the closing of the equity gap for Indigenous Peoples through policies and practices that reflect the experiences of Indigenous Peoples, ensure greater access and opportunity, and honor our nation's indigenous roots, history, and contributions; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

- 1) The City of Lincoln strongly supports the proposition that Indigenous Peoples' Day shall be an opportunity to celebrate the thriving cultures and values of the Indigenous Peoples of our region.
- 2) The City of Lincoln encourages participation in Indigenous Peoples' Day celebrations and activities.
- 3) The City of Lincoln firmly commits to continue its efforts to promote the well-being and growth of Lincoln's American Indian and Indigenous community.
- 4) The Mayor and City Council of the City of Lincoln jointly declare the second Monday in October to be Indigenous Peoples' Day in the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE WITH TAX-QUALIFIED PLAN LANGUAGE TO OBTAIN A NEW FAVORABLE LETTER OF DETERMINATION FROM THE INTERNAL REVENUE SERVICE - CLERK read an ordinance, introduced by Trent Fellers, an ordinance amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code by amending Sections 2.62.055, 2.65.055, 2.66.055, 2.62.180, and 2.66.140; and repealing Sections 2.62.055, 2.65.055, 2.66.055, 2.62.180, and 2.66.140 as hitherto existing, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND JEFFREY K. BARCLAY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 801 SOUTH 27TH STREET - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance approving a real estate sales agreement between the City of Lincoln and Jeffrey K. Barclay authorizing the sale of City owned property generally located at 801 South 27th Street, Lincoln, Nebraska, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20376**, is recorded in Ordinance Book 31.

ACCEPTING AND APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY ADULT PROBATION SERVICES FOR THE LEASE OF OFFICE SPACE IN THE MUNICIPAL SERVICE CENTER LOCATED AT 901 WEST BOND STREET TO LANCASTER COUNTY ADULT PROBATION FOR AN INITIAL TERM BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2018 - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance accepting an approving the Lease Agreement between the City of Lincoln and Lancaster County Adult Probation Services, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20377**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

REAPPOINTING JANET GOODMAN-BANKS, OLGA R. KANNE, AND COLETTE M. POLITE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR TERMS EXPIRING SEPTEMBER 18, 2019.
(*CONSENT*)

REAPPOINTING DON SCHROEDER AND JEFF HLAVAC TO THE ELECTRICAL ADVISORY & APPEALS BOARD FOR TERMS EXPIRING AUGUST 15, 2019. (*CONSENT*)

REAPPOINTING PATRICK FINNEGAN TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2019. (*CONSENT*)

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND FISHER SCIENTIFIC FOR LABORATORY EQUIPMENT AND SUPPLIES, PURSUANT TO NASPO VALUEPOINT MASTER AGREEMENT MA 160000234-1, STATE OF NEBRASKA CONTRACT NO. 14491 OC, FOR A TERM EFFECTIVE UPON THE CITY'S EXECUTION OF THIS CONTRACT THROUGH MARCH 31, 2019 IN THE AMOUNT OF \$112,500.00. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1-15, 2016.

APPROVING AN AMENDMENT TO THE VICTORY PARK – VA CAMPUS REDEVELOPMENT AGREEMENT (RESOLUTION NO. A-89264, AMENDED BY RESOLUTION NO. A-89435) TO ADJUST DETAILS RELATED TO THE PHASING AND IMPLEMENTATION DATES CONTAINED IN THE REDEVELOPMENT AGREEMENT.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2845 DUDLEY STREET, 4514 HILLSIDE STREET, 120 A STREET, 183 MORMON TRAIL, 404 MORMON TRAIL, 3130 POTTER STREET, 2248 SHELDON STREET, 1755 NORTH 30TH STREET, SURFSIDE COURT, 2725 A STREET, 1829 PROSPECT STREET, 3138 DUDLEY STREET, 1834 PROSPECT STREET, 4020 ST. PAUL AVENUE, 3800 WORTHINGTON AVENUE, 1436 E STREET, 1709 NORTH 29TH STREET, 2825 T STREET, 2236 SOUTH 13TH STREET, AND 1317 MEADOW DALE DRIVE.

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA TO ALLOW FOR THREE BIKE SHARE STATIONS TO BE LOCATED ON UNIVERSITY PROPERTY.

APPROVING THE 2016-2017 CITY TAX RATE OF .33366 PER \$100.00 OF ASSESSED VALUATION.

